



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

BUREAU OF PROSECUTION SUPPORT OPERATIONS

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VIA ELECTRONIC MAIL
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July 17, 2019

Dan Rubins
MuckRock News
DEPT MR 76619
411A Highland Ave
Somerville, MA 02144-2516

Dear Mr. Rubins:

CALIFORNIA PUBLIC RECORDS ACT REQUEST

On July 4, 2019, we received your Public Records Act request requesting the following:

“*Brady* lists,” “*Giglio* lists,” “potential impeachment disclosure lists,” or any similar compiled records or lists of records of the type set forth in California Penal Code §832.7(b)(1)(C). That is, “Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

We have interpreted your request as records under Penal Code section 832.7(b)(1)(C) of a “... sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.” Penal Code § 832.7(b)(1)(C) provides for the release of “any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.” The statute further defines “sustained” to mean a “final determination by an investigating agency, commission, board, hearing officer, or arbitrator.” (Penal Code § 832.8 (b).) Sustained findings are part of an officer’s personnel file. (See Penal

Code § 832.8 (a) [“Personnel records” means any file maintained under that individual’s name by his or her employing agency and containing records relating to any of the following: (1) Personal data... (4) Employee advancement, appraisal, or discipline. (5) Complaints, or investigations of complaints, concerning an event or transaction in which he or she participated, or which he or she perceived, and pertaining to the manner in which he or she performed his or her duties.”]]

Please be advised that the Discovery Compliance System utilized by the Los Angeles County District Attorney’s Office does not include such records and therefore, there are no documents that are responsive to your request. The records that you seek may be available through a PRA request to the employing agency of the officer. Furthermore, a local agency has no duty to create a record that does not exist at the time of the request. (Gov. Code, § 6252, subd.(e).) Should you have any further questions, please do not hesitate to contact me.

Very truly yours,

JACKIE LACEY

District Attorney

By


Jacob Yim
Deputy-in-Charge
Discovery Compliance Unit